

victim IMPACT

A Newsletter to Advance Rights & Services for Crime Victims in Massachusetts

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Responding to Stalking by Karen Dempsey

Sandra Berfield was relentlessly stalked for two years by a man she first encountered at the restaurant where she worked. Seeking help, she reported her stalker's behavior to the police. She did not qualify for a 209A restraining order because she had no relationship with

her stalker, so she obtained a civil injunction from Superior Court. The harassment continued. She installed video equipment at her home and recorded her stalker

vandalizing her car, and she worked with prosecutors to see him convicted of that crime. The stalking law did not apply to the case, and her stalker was jailed only briefly and placed on probation. Eventually, Sandra Berfield was killed—murdered by a package bomb left at her home. Her stalker has been charged with the murder.

With stalking awareness at its height after Sandra Berfield's murder, Massachusetts last fall enacted legislation to address stalking situations not covered under the current stalking law. The new law allows for prosecution of "criminal harassment" when a stalker engages in a pattern of harassing conduct but does not directly threaten the victim. Since fewer than half of stalking victims report being directly threatened by their stalkers (see Tjaden and Thoennes, 'Stalking in America'), the criminal harassment law fills a critical need, allowing for earlier, more meaningful intervention in a greater number of stalking cases.

In enacting the legislation the state took another important step forward in the response to stalking. The commitment to serving stalking victims was underscored with implementation of the Address Confidentiality Program. Still, cases like Sandra Berfield's leave our community struggling with questions about how better to respond to stalking. The only certainty is that we can—we must—do more.

Stalking is Behavior

First, we must consider how we define 'stalking,' and ensure that it remains part of our language and consciousness as we gather information and assess cases. Like domestic violence, stalking involves a pattern of behavior used to exert power and control over another person. Stalking is most often described as repeated, harassing behavior directed at a person to frighten, control, or intimidate that person. The stalking may or may not include an overt threat of harm, and may or may not be a precursor to violence.

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Victim IMPACT

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Contributors, Summer 2001

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A Letter from the Director

This year marks the twenty-fifth anniversary of the victim impact statement, first introduced in 1976 by Fresno County, California Chief Probation Officer James Rowland. Victim impact statements gained broad support and recognition when the President's Task Force on Victims of Crime issued its watershed 1982 report, which called upon judges to consider victim input at sentencing.

In Massachusetts, the essential value of victim impact statements has long been recognized, and advocates work hard to protect that right and to support victims through the process. Victims of felony crimes and crimes causing physical injury have the right to make a victim impact statement regardless of whether a conviction carries a mandatory sentence. The statement is intended convey the impact of the crime, but is also the victim's opportunity to express his or her views on the defendant's sentence.

For advocates new to the field, it is perhaps difficult to imagine a criminal justice system that denies victims even this most basic opportunity. And yet, a victim's right to speak about crime's impact at critical stages in the criminal justice process is far from universal.

The Commonwealth took a significant step toward that end just recently, with enactment of a law allowing all victims of violent crime to testify at parole hearings. Senator Cheryl Jacques, sponsor and champion of the new law, discusses its implications in this issue of *Victim Impact*. Senator Jacques also draws our attention to the need for resources to implement the law.

Research has shown that victims' satisfaction with the criminal justice system is tied more closely with their ability to participate than with the outcome of a case. Those of us who have worked with victims or have, ourselves, found the strength to put a crime's impact into words recognize the importance of safeguarding that right, and of supporting those preparing to speak.

We, at MOVA, named this publication *Victim Impact* because the concept is so important—crime impacts victims; victims, through their participation, can and do impact the criminal justice system.

Best wishes,



Shelagh Moskow

The Address Confidentiality Program

The Address Confidentiality Program (ACP) serves as a confidential mail forwarding system for victims of domestic violence, sexual assault, and stalking. Legislation establishing the ACP was signed into law on January 11 of this year. Secretary of the Commonwealth William Galvin, one of the sponsors of the Address Confidentiality legislation, administers the program through the Office of Public Records.

Program Manager Geneva Riley Tiggie talked with Karen Dempsey about the project.

Dempsey

Tell us about the goals of the Address Confidentiality Program. What need does the program fill, as you see it?

Riley Tiggie

The program began operation on April 9 of this year. Our goal is to help domestic violence, sexual assault, and stalking victims stay safe after they have fled from an abusive situation. There is such a great need for this program—as you may know, many victims are tracked down or even stalked by their former batterers. The program protects victims in two ways: first, it allows victims access to a cost-free, confidential mailbox and mail forwarding program; second, it prevents disclosure of their residential addresses by allowing victims to use the program postal box for various public records, such as voter registration or driver's license records. Without the added protection of the program, it can be very easy for batterers or other perpetrators to find victims. In some cases it might be as simple as going to a public records office and requesting access to specific information.

Dempsey

It seems clear that the program will be an important resource. How are you getting the word out to victims and advocates?

Riley Tiggie

In an effort to educate the public, we developed several public service announcements for television. We also distribute informational brochures through local libraries, Department of Transitional Assistance offices, shelters, and advocacy and counseling programs.

We had our first certified participant within a week of starting the program. This is a woman who had been on the run for over six years. It was an incredible feeling, listening to her as she described that for the first time in six years she would finally begin to sleep soundly again.

Dempsey

Can you talk a little about the application process?

Riley Tiggie

Well, to begin with, participants must reside in Massachusetts. The critical requirement is that participants must either be in shelter placement or have recently relocated to an address that is unknown to the perpetrator

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The Advocacy Education & Support Project: Responding to the Needs of Advocates

By Lisa A. Tieszen & Melissa Dimond

Lillian loves her job as a victim witness advocate in the district court. Working with victims of domestic violence and sexual assault had become her passion during her senior year in college when she volunteered at the local rape crisis program. But now, a year into the work full-time, she is learning that it can be draining, if not traumatizing. She sometimes awakens at night terrified that a client's abuser is coming after her, too. It's a nightmare, but sometimes she wonders if someone will truly come after her, at the end of a difficult hearing. Playing tennis and running have been great outlets for her, both building her stamina and releasing her tension. However, Lillian is finding that she is simply too tired to pull herself out of bed in the morning to exercise. She also finds herself short and frustrated with colleagues when the myriad calls and requests become overwhelming. Wondering whether she should take a time management course or even whether she should leave this position before she really "burns out," she talks with her supervisor.*

The Advocacy Education and Support Project (AESP) is an initiative that started in Boston to provide a resource to advocates like Lillian and their supervisors. The project grew out of the concerns of victim advocates and supervisors working in a variety of environments—from court-based victim witness advocates to hospital advocates to community-based sexual assault and domestic violence staff—all of whom described being overwhelmed and distressed by their work with traumatized victims. Staff at the Center for Violence Prevention and Recovery began planning the AESP by talking informally with advocates and supervisors about their experiences at work. In a follow-up survey about the effects of their work on advocates'

health and well-being, many people articulated a need for help and a desire for support and education groups.

The AESP was piloted in fall-winter, 2000 to foster collaboration and communication between family violence advocates from distinct settings, including hospitals, community health centers, courts, shelters, and police precincts. The purpose is two-fold:

1. To provide an opportunity for advocates to support one another in their work, share ideas and information, and benefit from their diverse approaches to family violence intervention and
2. To promote sharing and contact between advocates that will continue beyond the end of the groups.

The project joins advocates from diverse settings in a series of ten weekly support and consultation groups. These weekly sessions teach advocates to identify stressors at the individual, peer, and institutional levels and generate action plans at each of these tiers. The curriculum is strength-based, intended to teach staff to draw on the personal and professional resources available to them. Group sessions are designed to empower advocates just as advocates are expected to empower the clients with whom they work.

Through the initial surveys of advocates and feedback from members of the first pilot groups, we know that advocates in the Boston area experience a range of symptoms such as "burnout", anxiety, and feelings of helplessness. The term "burnout" was first coined in 1974 to describe physical and emotional depletion, resulting from the conditions of work. Research in the early 1980's found that people working in the human service or "helping" professions are especially at risk for burnout. Staff

persons such as psychologists, social workers, and crisis workers often assist clients in severe distress. They experience both a real and felt responsibility to aid their clients. Often this sense of responsibility brings with it feelings of helplessness or anxiety.¹

It is commonly understood by advocates and supervisors in Boston that they are at great risk for burnout as a result of the crisis intervention they provide to survivors. Victim advocate work is emotionally trying, draining, and at times dangerous. Furthermore, advocates routinely work in settings with limited peer or supervisory interactions. Because victim advocates are often professionally isolated, they lack opportunities to "debrief" from the trauma that they routinely witness.²

In the AESP, participants learn to identify the emotional and physical byproducts of their work. They also learn to identify a phenomenon known as *secondary traumatic stress* (STS)—a normal and universal response to abnormal (violence induced) or unusual events (disasters). STS is particularly present among staff persons who support survivors of physical and emotional trauma, such as intimate partner violence. It is a psychological phenomenon (also known as vicarious traumatization) in which the caregiver internalizes many of the common feelings and symptoms associated with victimization.³

STS can affect all aspects of one's life: cognitive, emotional, behavioral, spiritual, interpersonal, physical.⁴ We see the presence of secondary traumatic stress in the case of Lillian. By working with traumatized clients day in and day out, Lillian is beginning to experience the kinds of symptoms that her clients display. Lillian's nightmares, worries about her own safety, edginess at work, and

*Lillian is a composite of past AESP participants. Her story represents the experiences common to many of the advocates surveyed throughout the planning process.

feeling overwhelmed by the experiences of her clients are all evidence of secondary traumatic stress. One can also see that it is affecting Lillian at the three levels—individual, peer, and institutional—where intervention can be focused.

Evaluations of co-worker support programs have shown that increased interpersonal support and organizational support generated through these groups decreases the stress experienced by workers, decreases symptoms of burnout, and enhances employees' ability to perform on the job.⁵ The burnout experienced by advocates, and the turnover and absenteeism that often results, poses a threat to services for domestic violence and sexual assault survivors. An intervention program to curtail the job related stress experienced by advocacy staff is necessary to protect their health and well-being. It is also necessary to safeguard the critical services they provide to survivors of violence.

Both participants and facilitators favorably evaluated the Advocacy Education and Support Project pilot groups held last winter. With initial learning about post-traumatic stress and secondary traumatic stress, participants were encouraged to focus on the symptoms they experience. Further discussion and exercises gave particular attention to individual experiences of self-care, work with survivors, colleagues, and systems. Self-care strategies were identified and tested, and feedback for agencies was developed. (This feedback is provided anonymously with participants' permission). Overwhelmingly, group members wished continue to meet, share experiences and hone their skills at preventing and managing secondary traumatic stress responses.

Group members found that by joining in the Advocacy Education & Support

Project they became more vigilant about their attitudes towards themselves, their peers, and their clients. They were intentionally thinking about how to better take care of themselves. They tested new strategies: taking a walk outside at lunch; scheduling a few days off; speaking to a supervisor about the quality of supervision or the need for private telephone access.

The work with the initial groups has confirmed what research has demonstrated: individual self-care strategies alone do not work.⁶ It is through sharing clinical material with others, moving out of isolation, and working on change at all levels that makes a difference in an advocate's health and well-being. Self-care at the individual, peer, and institutional levels needs to be an integral part of one's life if he or she is to thrive as an advocate.

Collaboration across systems is strengthened when advocates have opportunities to develop relationships with others in distinct settings. The connections made in the groups enhance these relationships, which in turn facilitate referrals among the systems, ultimately better serving victims and their families.

The AESP project development has been a collaborative process from the very beginning, with staff from the Center for Violence Prevention and Recovery meeting with the Suffolk County District Attorney's Office Victim Witness supervisors to learn more about the needs of court-based advocates. Further, Center staff brought together a diverse group of project planners representing community-based advocacy and mental health to develop the group model. The projects receive start-up funds from Suffolk County District Attorney Ralph C. Martin III, the Community Advocacy Program of the Center for Community

Health, Education & Research, Inc.(CCHER), the Olive Higgins Prouty Foundation, the Rappaport Family Foundation, and the Center for Violence Prevention & Recovery.

The Advocacy Education and Support Project is offered to participants free of charge. The next set of sessions will begin in early October in Boston and neighboring towns. For information, call Lisa Tieszen at (617) 667-8241.

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Melissa Dimond is evaluator of AESP and Health Policy and Program Director at Project Bread—The Walk for Hunger.

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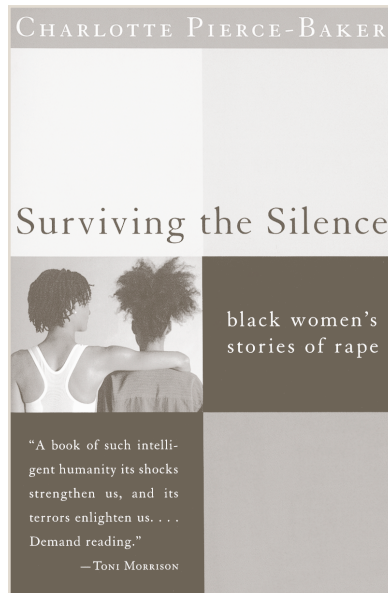
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Surviving the Silence: Black Women's Stories of Rape

by Charlotte Pierce-Baker

Reviewed by Lilly Green



Charlotte Pierce-Baker's *Surviving the Silence* is a book of courage that will surely lift the spirits of black women survivors of sexual violence who have been forced into silence because of shame, community solidarity, and other cultural norms. Many black women who have been sexually assaulted have been forced to remain silent, thus feeling like accomplices to their own victimization. The strength of the women detailing their painful stories in *Surviving the Silence* will undoubtedly help black women survivors to find their voices and speak up about their traumatic experiences.

Pierce-Baker provided a trusting and non-critical environment for the survivors, which enabled them to share their vulnerability, fear, hope, sadness, and courage. They come from different backgrounds, socially, professionally, and economically. The author spoke to women over the phone and in person, in her office, at restaurants, and in other settings. And through these conversations, the reader can hear the women's voices, imagine their expressions, and feel their strength.

"Surviving the silence is the mapping of a new space. A space in which black women can learn to trust and speak to one another in a sharing recovery of memory, of sanity."

Pierce-Baker suggests that black women survivors have had to sacrifice their own souls in their attempt to preserve racial pride. Having worked over the years with women of color who have been sexually assaulted, I often hear the same sad resignation to remain silent in order to preserve family and community unity. Cultural and community expectations leave many of these women to cope with their trauma alone and unsupported.

Pierce-Baker conveys the impact of violence and the isolation that can follow:

There are women who continue to care for families and children, when rape and sexual violence have ripped away all intimacies of family life. Husbands, friends, lovers flee; they can not bear the strain of disclosure, the effort of healing. These women live alone in their nightmares. They have no mediators for their 'tellings.'

Pierce-Baker becomes that mediator through her work, creating the space where black women feel safe and supported in telling their stories. How empowering and inspiring for black sisters to have arrived at a place where they can begin to share their voices like each one of the courageous women featured in this book. Their courage truly exemplifies a strength that will pave the way for the ones who have been pressured into silence.

The author should also be praised for bringing the voices and concerns of black men into this discussion. Pierce-Baker discusses the effect of breaking her silence with the men of her community and involving them as supporters in healing. She calls on women survivors to open the discussion to include supportive men, allowing them to "weep with us" and to help create change. Many of us have long felt that the men in our community should take part in the efforts to decrease sexual violence against women and support survivors. I hope that many black men will have the opportunity to read this book and take action. I strongly support the author's position that "[h]aving black men discuss their supporting roles could well be another aspect of black women's survival."

Massachusetts Expands Victim Participation in Parole Hearings



By Senator Cheryl A.
Jacques (D-Needham)

A survivor herself, Pierce-Baker's work is true to the voices of women survivors. Their pain is vivid and moving—and readers should be prepared for the impact of the stories. Reading *Surviving the Silence* had a profound effect on me. I plan to encourage my friends, co-workers and many other members from my community to read it and to use it as a guide in addressing the issues of sexual violence. I personally feel that this book should be required reading for all adults, regardless of race.

Lilly Green is the Coordinator of the Afro-Caribbean and Multi Cultural Program at the Boston Area Rape Crisis Center.

Give sorrow words.

Shakespeare

The days when victims were seen and not heard are gone. Today the Commonwealth has victim witness advocates, an expanded Victim Bill of Rights, victim compensation reform, an extended statute of limitations for rape victims, and an address confidentiality program for victims of domestic violence, sexual assault and stalking. However, until recently Massachusetts denied a great number of violent crime victims meaningful participation at critical stage in the criminal justice process—the point at which their offenders may be released into the community on parole. The Parole Board's Victim Service Unit worked closely with victims to allow them a voice in the process through written impact statements and, in some cases, through individual meetings with Parole Board members, but the law did not allow most victims of violent crime to testify at parole hearings.

Along with sentencing, the parole hearing represents one of the key events that victims often want to participate in to help empower themselves and to help heal the pain. Having seen too many victims denied the right to participate in the parole process directly, I joined with Representative Cory Atkins (D-Concord) in spearheading a legislative effort to address the need for violent crime victims in the Commonwealth to present their testimony about offenders to the Parole Board. As a result, crime victims now have expanded opportunities to participate in the criminal justice process through the enactment of S. 1844, *An Act Allowing Victims of Violent Crimes to Testify at Parole Board Hearings*. The new legislation allows victims of sex offenses and violent crimes—including parents or legal guardians of

minor aged victims—to testify at their offenders' parole hearings. Allowing victims' testimony will lead to a more balanced presentation before the Parole Board on the impact an attacker has had on a victim's life and on potential future dangerousness.

Frank Fitzpatrick, a victim of former North Attleboro priest James Porter, and other survivors of abuse and violent crimes brought the need for this legislation to my attention. James Porter pled guilty to 28 counts of rape and molestation of children and served only seven years of his 18-20 year sentence before becoming eligible for parole last year. His victims were not able to testify at Porter's parole hearing. Under existing law, only family members of homicide victims or victims of offenders serving life sentences could testify in person when an offender came up for parole. The effort to pass S. 1844 grew from the knowledge that victims' voices are a critical element in maintaining a system that is just. I applaud the many survivors who have had the courage to come forward and speak out.

In order to effectively implement this legislation, new resources must be allocated to ensure that victims are suitably prepared for the experience of testifying before the Parole Board. Victims will also need support and information around issues of safety and confidentiality. Along with MOVA, I have urged the legislature to provide sufficient resources so victims can testify effectively and safely. I will continue to be a strong and consistent advocate for victims' rights and the funds needed to implement these valuable programs.

For more information about this new law, please call me at the State House at (617) 722-1555 or Stefanie Fleischer Seldin at MOVA at (617) 727-7885.

The Impact of Fraud: Victims Share Their Stories

VICTIM

In April 2001, Michael Richmond pleaded guilty to seventeen counts of mail fraud arising from the sale of over \$8.6 million in fraudulent certificates of deposit issued by the Royal Meridian International Bank (RMIB), a sham institution created by Richmond himself. Richmond defrauded 178 victims, including many from Massachusetts. The majority of his victims were elderly.

The following are excerpts taken from victim impact statements submitted before Richmond's sentencing hearing. A U.S. District Court judge in Boston sentenced Richmond to four years and two months in prison followed by three years of supervised release, and ordered him to pay \$8.3 million in restitution.

My wife and I, by purchasing the worthless RMIB certificate for \$55,000, lost about one half of our retirement cash savings. We were devastated by the experience, both emotionally and physically. It has taken over two years to finally accept and deal with the whole experience. If our marriage had not been stable before this, I believe we could have broken up. We no longer talk about the experience because it brings back such painful memories. We feel very sorry for those people who lost more than we did, and we wonder what may have happened to them.

— A 64-year-old man from
Massachusetts

I am an eighty-year old widow. The money I invested was our life savings. I was assured it was safe because double the amount was backed by GNMA [Government National Mortgage Association]. They said, 'RMIB can always pay off any account regardless of adverse conditions.' Now I need the money badly for a new furnace and expensive car repairs—money I could have taken from the account. It has made me extremely nervous and worried! I don't want to be a burden on anyone! I exist on Social Security and there isn't enough money for large necessary repairs.

— An 80-year-old widow from
Wheeling, Illinois

Our savings for our old age have been jeopardized. Our complete retirement is at a loss. My husband's memory is extremely at a loss, and I am unable to walk without a walker or get

around without a wheelchair.

This is why I am writing this for both of us. It

brings tears to my eyes.

This whole thing is a nightmare. We planned a honeymoon for our 53 years of marriage, three years ago.

We have moved to this new address to be

close to our son so he can assist us in any way (he has three grown children of his own), which I had hoped we would never need. Not much money lost compared to some, but a lot of money for us.

— *A married couple, ages 85 and 78, from Fredericksburg, Virginia*

The financial and emotional effects of this debacle have been extreme. The annuity monies I used to invest in RMIB were established as early as 1971 when I first entered the teaching profession. Those annuities and others I consolidated over time were the retirement funds I used to invest in RMIB. I have lost a full one-half of my then wealth because of the fraudulence of the RMIB promoters. This fraud has forced me to work beyond my retirement expectations, and honestly, at 53 years of age, I simply haven't got enough working years to make up this loss.

The emotional impact, if anything, has been more severe. When I first learned of this tragedy, I could not sleep. I suc-

cumbed to depression and became totally listless and marginally productive. My physician prescribed a sleeping tablet to ease my insomnia and for approximately five months I was on an anti-depressant drug. I am working through this ordeal on a day to day basis, but I have become cynical and inordinately bitter over this very sorry business.

— *A 53-year-old teacher from Massachusetts*

When I received the notice that my money (\$58,000) had been stolen, I went into a state of shock. For the next several months I cried for no reason and could not sleep. I had a loss of appetite and lost several pounds. It took about forty years of married life, saving and raising children, one with Down Syndrome, to save this money, and in one moment it was gone!

— *A 68-year-old woman from Massachusetts*

When I first realized I was a victim of fraud I got real emotional. I was angry, stressed, and had anxiety worrying about my investment. I could not sleep at night; I lost 25% of our savings. It was very difficult for the first year; the time spent writing letters to RMIB, sending registered mail and certified mail to Clearwater, Florida, Vancouver, Canada, and Grand Turk, British West Indies. All the letters were returned unopened. I tried to telephone RMIB in Florida and Canada, to no avail; phones were not in service. I did not know who to contact to get information concerning RMIB. I mailed copied of documents to the office of the Superintendent of banking, and a copy of the documents to the Postal

Inspector in Chicago. Because of this I had to cut back on some repairs to my home, which is forty years old, cut back on living expenses, cancel visits to my wife's mother who is eight-five years old and lives in California. I had worried about taking care of my wife who had a stroke and is not in good health. It was very frustrating. My wife still tells me "I told you so."

— *A 72-year-old man from Illinois*

My mother had to be moved from [my] owned townhouse and [the] townhouse sold. She moved into HUD assisted housing. I have been unable to offer much financial support to her since June 1998. Deep emotional wounds developed between my sibling brother because I lost all the Trust money. I feel like I have really let my mother down at a time of real need.

Not a day has passed that I haven't thought what a terrible thing that happened. I have kicked myself so many times. I had to be treated for mental depression and undergo marriage counseling. I had really counted on this money for retirement and care for my mother. I lost everything because my friend sold me down the river without a paddle. My children do not know anything about this.

My only hope and salvation financially will be to recover and recoup some of our loss. The mental anguish can never be made up for. I pray that Richmond is made to repay every red cent he stole from all. Especially the elderly that he took bread from their mouths.

— *A retired corporate executive from Illinois*

*Do not go where
the path may lead,
go instead where
there is no path
and leave a trail.*

Ralph Waldo Emerson

WHAT'S

Happening

***New Law Helps Domestic
Violence Victims Secure
Unemployment Benefits***

Massachusetts enacted legislation ensuring that domestic violence victims have access to unemployment insurance benefits. The new law requires that the Division of Employment and Training train employees on the nature and dynamics of domestic violence so that they may sensitively and reliably screen potential clients. The law also increases victim access to education and training programs and child care subsidies.

***SJC Rules in Favor of Sex
Offender Registry Board***

The Supreme Judicial Court (SJC) upheld the law requiring convicted sex offenders to register by mail with state authorities before they are granted a hearing assessing dangerousness. Convicted sex offenders of crimes that date back to 1981 are now required to register with the Sex Offender Registry Board, which will transfer the information to local police.

***Federal Appeals Court Upholds
Clinic Buffer Zones***

A federal appeals court upheld the state law that creates a buffer zone around reproductive health clinics, ruling that the law does not violate the free speech rights of protesters. The law restricts protesters from crossing within 25 feet of clinic doors and prohibits anyone other than clinic escorts from invading a 6-foot space around a patient without her consent. The 1994 murders of Brookline clinic workers Lee Ann Nichols and Shannon Lowney heightened awareness of safety concerns at Massachusetts reproductive health clinics.

***Sexual Assault Report Urges
Changes***

Creation of a Statewide Sexual Assault Prevention and Intervention Network (SSAPIN) is a key recommendation of the report, *Taking Action Against Sexual Assault*. Jane Doe, Inc. issued the report detailing findings of a year-long study. The report addresses adult services, teen and child services, prevention education, improved responses in medical settings, the criminal justice system response to victims, offender accountability and treatment, and research and data collection.

Boston Violent Crime Drops in Most Categories

Boston's overall rate of violent crime decreased in the first half of 2001, but homicides and car thefts rose slightly. Violent crime fell 6% from last year, bringing the number of total incidents in the city down to a 30-year low.

Homicides rose 4% in the first six months of 2001, and by late August the city's homicide count had surpassed the total number of murders for all of last year.

Sex Offender Registry Board Considers Victim Input

Massachusetts's Sex Offender Registry Board is considering victim impact statements in the process of classifying sex offenders. The Board is asking crime victims to provide written statements describing the impact the offenses have had on their lives. Board Chair Ann Dawley reported that the information will be used to help gauge an offender's threat to the community. For more information, call the Board's toll-free victim services line, 1-800-93MEGAN.

Autopsy Photos to be Kept Confidential in Louisiana and Florida

Louisiana enacted legislation that restricts access to autopsy photos, videos, and other images by exempting them from the Public Records Act. While these visual images may be released to victims' family members, law enforcement, and those who obtain a court order, they may only be viewed, but not removed or copied, by the media and the public. Florida enacted similar legislation in the name of Dale Earnhart, whose family pleaded to keep his autopsy photos confidential.

Department of Justice to Aid States in DNA Analysis

The U.S. Department of Justice (DOJ) will provide over \$30 million to assist states in DNA analysis. DOJ will distribute funds over an 18-month period to analyze DNA from criminals and crime scenes that, in some cases, has been stored and undocumented for weeks or months. New technology has made DNA testing a powerful law enforcement tool, but labs are overloaded with samples. A law signed in December authorized DOJ to provide the funds.

California Court Rules Victims Cannot Sue Gun Manufacturers

The California Supreme Court ruled that victims cannot sue weapons manufacturers over the illegal use of their products. The Court overruled a lower court's decision in a 1993 mass shooting that alleged the manufacturer was negligent in marketing the product to criminals. The decision mirrors rulings by high courts throughout the nation, most recently in New York, which reject gun manufacturer liability in criminal activity.

Oklahoma Allows Rape Victims to Seek Protective Orders

Rape victims in Oklahoma are now entitled to obtain protective orders under the state's Protection from Domestic Abuse Act. The new legislation also increases the Victim Compensation reimbursement amount for medications and forensic exams that are directly related to the sexual assault.

Batterer Loses Assets in Divorce Court

A New York man who beat his wife nearly to death in the presence of their children lost most of his multi-million-dollar assets in a divorce hearing as a result of the abuse. Although assets are usually divided equally in divorce hearings, the wife received \$17 million, while the husband received only \$400,000. A criminal court sentenced the man to an eight-year prison term after he pleaded guilty to first degree assault.

New Jersey Introduces Age Distinction to Megan's Law

A New Jersey Court unanimously ruled that sex offenders convicted before their 14th birthdays may not have to suffer the sanctions of Megan's Law beyond their 18th birthdays if they have evidence showing they do not pose a risk of committing further sex crimes. This decision is the result of a case in which a 17-year-old admitted that he sexually assaulted his 8-year-old cousin when he was 10. He will be free from notification requirements once he turns 18. The decision is the first to create age distinctions in sex offender registry laws.

Connecticut Requires Judges to Announce Crime Victims' Rights

Connecticut enacted legislation requiring Superior Court judges to announce, at the beginning of each day's arraignments, the rights afforded crime victims under the state Constitution. Judges must read a scripted announcement of victims' rights, including the rights to be treated fairly and with respect throughout the criminal justice process, to be notified of court proceedings, to speak with the prosecutor, to object to or support any plea agreement, and to receive restitution.

International Labor Organization Sees Increase in Human Trafficking

Trafficking in humans, debt bondage, and forced labor are increasing, according to a study released by the International Labor Organization (ILO), and trafficking in people is the fastest growing form of forced labor. The ILO reported that nearly every nation in the world is implicated as a sending, transit, or receiving country in the trafficking industry. An estimated 50,000 women and children are trafficked into the U.S. each year and sold into the sex trade or for domestic work. Access the report, *Stopping Forced Labor*, at www.ilo.org.

Study Finds Prevalence of Nursing Home Abuse across the U.S.

Reports of nursing home abuse are on the increase, with one in three nursing homes across the U.S. having been cited for abuse or related violations, according to a Committee on Government analysis of state inspection reports. Over 5,283 nursing homes were cited for physical, sexual, and verbal abuse of residents, including the failure to protect vulnerable patients from violent patients. Two hundred fifty-six of these citations were for incidents resulting in death or serious injury. The report also notes that many violations go undetected or unreported.

Reported Same-sex Domestic Violence Increases

Reported incidents of domestic violence in gay and lesbian relationships increased nationally by 29% in 2000, according to a report issued by the National Coalition of Anti-Violence Programs. Cities with established resources for gay and lesbian victims reported the most significant increases in reports. Advocates say the new figures reflect only a fraction of actual cases, as many incidents go unreported.

One-fifth of Mentally Ill Inmates Go Untreated

One-fifth of prison inmates identified as mentally ill receive no treatment, according to a study released by the Justice Department. The study also found that only 70% of state prison facilities screen inmates for mental illness as a matter of policy, and those that do are lacking in exact assessments of the types of mental illnesses that afflict inmates. Obtain a copy of the report at www.ojp.usdoj.gov/bjs.

Americans Said to Relax Views on Treatment of Criminals

Americans are becoming more relaxed in their views on the treatment of criminals, especially nonviolent criminals, according to a poll commissioned by the American Civil Liberties Union. The poll showed that a majority of Americans favored rehabilitation of nonviolent offenders, emphasizing treatment and probation for nonviolent drug crimes, and opposed mandatory sentences for nonviolent crimes. The majority of Americans polled also felt that prisons were not preparing inmates for reintegration into society. View results of the poll at www.aclu.org.

Many Violent Offenders Commit Multiple Crimes against Victims

One in three victims injured in a violent crime said their attackers had committed prior crimes against them, according to a study released by the Bureau of Justice Statistics and the Center for Disease Control and Prevention. The study found that one half of reported attacks are committed by an intimate partner, one third are committed by other family members, and only 20% are committed by strangers. Most women are victimized by someone known to them, while men are more often assaulted by strangers. View the report at www.ojp.usdoj.gov/bjs.

Women Abused As Children Found More Likely to Experience Abuse as Adults

Women who were physically or sexually abused as children have a substantially increased risk of revictimization in adulthood, according to a study of 1,207 women visiting east London physicians. Researchers found that women who were sexually abused as children were 3.5 times more likely to experience domestic violence and 2.8 times more likely to experience rape. Women who experienced severe physical abuse as children were 3.5 times more likely to experience domestic violence and 2.7 times more likely to experience rape. Access the report, *Relation between Childhood Sexual and Physical Abuse and Risk*, at www.thelancet.com.

Report Finds One in Five Girls Abused by a Boyfriend

One in five high school girls has been physically or sexually abused by a boyfriend, according to a study of Massachusetts students. Researchers also found that those girls who have been abused are much more likely to use drugs or alcohol, to suffer from eating disorders, and to attempt suicide. Researchers based the findings on the Massachusetts Youth Risk Behavior Survey. While such surveys are regularly administered in most states, Massachusetts in 1997 became the only state to include questions about abuse. View the study, *Dating Violence Against Adolescent Girls*, at <http://jama.ama-assn.org/>.

Responding to Stalking

continued from front cover

Advocates and other service providers must think of stalking as *behavior*. Stalking behavior can be very subtle, and may not fit in with our ideas about stalking gleaned from media stories, television programs, and movies. A stalker's methods can range from subtle behavior to extreme and outrageous acts. One perpetrator might engage in only one form of stalking behavior, such as making harassing phone calls, while another stalker might engage in a wide range of varying, unpredictable stalking activities. Rather than asking, "Is this really stalking?" advocates, law enforcement and service providers must begin to ask, "Is this *stalking behavior*?" Once it has been determined that a perpetrator is engaging in any type of *stalking behavior*, victim service and law enforcement professionals can begin to explore the options available to support and protect victims.

Stalking-Specific Resources

As we identify experts in the field and expand our knowledge of strategies that work, we must transform that knowledge into resources, training curricula, and educational materials for victims and providers.

Massachusetts already benefits from a variety of service agencies, providers, and resource materials, many of which are designed for victims of domestic violence and sexual assault. The enormous overlap between domestic violence, sexual assault, and stalking has been well documented, and skilled counselors, advocates and other professionals provide critical services to stalking victims every day. Still, the need for resources and expertise specific to stalking is clear. Victims often face legal and safety issues unique to stalking. Also, existing services are often not designed for male victims or for victims of stranger or acquaintance stalking.

Victims of stalking need stalking safety plans, worked out with the help of an experienced advocate or crisis counselor trained on stalking. Victims also need guidance in documenting stalking behavior in a log or diary. Documentation can be critical for restraining order applications, divorce or child custody cases, or criminal prosecution. (Victims and advocates can obtain a sample log and suggestions by contacting the MOVA office for free copies of MOVA's "Stalking Incident and Behavior Log.") Victim service programs must also consider stalking victims when developing outreach initiatives and materials.

Restraining Orders for Stalking Victims

Perhaps the most glaring hole in the state's response to stalking is the absence of stalking restraining orders. Massachusetts must enact restraining order legislation for stalking victims. Current state law does not allow stalking victims to apply for a 209A restraining order unless the victim has had a relationship with the stalker. Victims of stranger or acquaintance stalking are limited to applying for civil injunctions from Superior Court. Though an important tool, these injunctions are not criminally enforceable. A stalker who violates such an order cannot be immediately arrested, but must appear in court and may eventually be held in contempt. Also, unlike victims seeking the protection of 209A restraining orders, victims applying for this type of order may be required to pay a substantial fee, though victims can request a waiver. Legislators and advocates have attempted, unsuccessfully, to enact legislation expanding the existing restraining order law to include stalking victims. Massachusetts must now look to other states that have enacted restraining order laws separate from domestic violence legislation and specifically designed for stalking victims.

Conclusion

The phenomenon of stalking has long been with us, but it was only in recent years that we recognized the impact of stalking, developed language to talk about it, and began to identify ways to support victims and hold perpetrators accountable. Those working to serve victims recognize the need to improve our responses, and Massachusetts has made great strides in doing so, but we can—and we will—do better.

Karen Dempsey is MOVA's Community Education Coordinator and Editor of Victim Impact.

Resources for Stalking Victims

Massachusetts Office for Victim Assistance
(617) 727-5200

Safelink Statewide Domestic Violence Hotline
(877) 785-2020

National Domestic Violence Hotline
(800) 799-SAFE
(800) 787-3224 (TTY)

National Center for Victims of Crime/National Stalking Resource Center
(800) FYI-CALL
www.ncvc.org

Privacy Rights Clearinghouse
(619) 298-3396
www.privacyrights.org

Cyberstalking resource:
www.cyberangels.org

CONVERSATIONS

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and not contained in any public record. For example, if the victim has already registered her new address with the Registry of Motor Vehicles, she is not eligible because RMV records allow for public access. This is why it's so important that we get the word out, to ensure victims know about the program as early as possible when they are preparing to relocate.

Victims apply to the program with the help of an advocate trained by ACP. It takes about 30 minutes to complete the application. Victims have to bring along a positive photo ID and verification of their current address.

Applications are reviewed fairly quickly. Once a victim submits an application, the typical turn around time is 5-7 business days. Participants can call our office to check on the status of their applications.

KD: You mentioned that applicants work through the process with application assistants. How can an applicant make contact?

GRT: At this time, we have over 150 certified application assistants throughout the Commonwealth. They can be located by calling us toll-free at 1-866-SAFE-ADD.

To qualify as an application assistant, advocates must be trained by ACP. We can only train employees, paid or unpaid, of agencies providing specialized services to victims of domestic violence, sexual assault, or stalking. We have trained a range of groups including domestic violence shelter employees, court advocates, and counselors.

KD: How can service providers become trained as application assistants?

GRT: Service providers and advocates can call our office and request training. It's that simple. We do have the flexibility to train advocates at

their own offices, and we can train an entire staff or just a few key people. The only prerequisite is that they provide specialized services to survivors.

It is helpful if requests are made with a few specific dates in mind. We're sometimes able to schedule trainings right away but prefer at least one week's notice. The length of the training varies based on the size of the group; we can sort that out at the time of scheduling.

KD: Returning to the application process, what are grounds for refusing or terminating certification? Is there an appeals process for victims who are denied certification or terminated from the program?

GRT: Grounds for terminating or refusing certification include falsification of application materials, failure to update the ACP office of a new residential address, and disclosure of the residential address to the perpetrator or batterer or to a public agency.

Applicants can appeal the decision, and they have 30 days to do so. The program has an appeals committee, which consists of a representative from MOVA, a representative from Jane Doe, Inc. and three others as assigned by the Secretary of the Commonwealth. All members of the appeals committee have significant backgrounds in domestic violence or victim advocacy.

KD: Once a victim is certified, how does the program work?

GRT: Once participants are accepted to the program, they can begin to use the assigned post office box as their legal mailing addresses. An ACP clerk picks up incoming mail daily from the post office box, sorts it and forwards it to program participants on the same or following day. All participants are issued an identification card, which also allows them access to public services without disclosing their actual addresses.

Program certification is good for four years and is renewable. Our office will notify participants when renewal is necessary. They will need to submit a simpler version of their initial application.

KD: Many victims will have concerns about the confidentiality of the information they provide. How does ACP ensure that victim information remains protected? Does the program advise victims on other steps they can take to protect their information?

GRT: There are many provisions in place for protecting participants' confidentiality. I'm unable to list all the provisions, but, for example, we do not maintain an electronic database and we do not have Internet service. There are many other provisions, which are disclosed during certification training. We do advise participants on other steps they can take to protect their addresses, particularly when dealing with private companies. Unlike state agencies, private companies are not required by law to honor the program. However, with outreach, we find that companies are willing to extend this courtesy on an individual case-by-case basis.

Most participants feel comfortable enough to call our office on a regular basis with their questions and concerns. We're usually able to advise them on how to proceed. We've already faced many difficult issues, such as participants buying a house, incorporating a business, and other complicated issues.

KD: Is there a limit on the number of people who can participate in the program? Do you see a potential need to expand the program in the future?

GRT: There is no limit on the size of the program. However, as the number of people utilizing the service increases, program resources will inevitably need to be increased as well.

KD: How do you feel the program has been received? Have you faced many difficulties in implementation?

GRT: Domestic violence programs and victim advocacy groups have received us with open arms. I am sure they are pleased to have us as an additional resource for victims. Many people had advocated for this type of program for a long time.

I can tell you that there are many challenges inherent in initiating and implementing a new public program. This is the most critical phase in program development and our office is working closely with the state agencies that will be most impacted by the program, such as Department of Transitional Assistance and the Department of Revenue.

KD: The Massachusetts program could become a model for other states. Have you received inquiries about the program from legislators or advocates outside of Massachusetts?

GRT: No, we haven't yet heard from legislators, but we've already received inquiries from advocates in other states. My personal hope is to see all states adopt the program. At this time only 11 other states offer programs similar to ACP. I'm very confident that the program will prove to be an invaluable resource for victims in our state, and it's nice to think that our efforts could ultimately benefit victims beyond Massachusetts.

The Address Confidentiality Program will hold open trainings in Boston on September 25, October 17, and November 8 for advocates who wish to be certified as application assistants. Call the ACP at 1-866-SAFE-ADD for more information. Space is limited.

*There are two ways of spreading light —
to be the candle or the
mirror that reflects it.*

Edith Wharton

BULLETIN BOARD

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On the Bookshelf
Iyanla Vanzant's book,
*Yesterday, I Cried: Celebrating
the Lessons of Living and
Loving*

Victim and Witness Assistance Board Meetings

The Victim and Witness Assistance Board meets bimonthly in Boston at One Ashburton Place, 21st floor, from 2-4 p.m. The next scheduled meeting date is November 14.

SAFEPLAN Training

MOVA will hold a free SAFEPLAN training for new advocates and volunteers in Plymouth, Bristol, and Barnstable Counties. The training will be held at the Plymouth Public Library on October 3, 4, 10, and 11, from 9 a.m. to 4 p.m. each day. To register or learn more, call Freddi Carbone at (508) 833-7943.

Victims of Crime Act (VOCA) Program Orientation Training

MOVA will hold VOCA program orientation trainings this fall for all VOCA grantees across Massachusetts. The all-day sessions take place at One Ashburton Place, 21st floor, in Boston on October 5; at the Berkshire County Children's Advocacy Center in Pittsfield on October 17; at the Plymouth Public Library on November 7; and at the Worcester YWCA on December 5. Contact Lynne Williams at (617) 727-5200 or lynne.williams@state.ma.us for more information.

New Advocate Training

MOVA will hold a two-day training for new advocates in early November. For details contact Megan Campbell, Training Coordinator, at (617) 727-0138.

Advocacy Education & Support Project (AESP) Groups

Advocacy Education & Support Project (AESP) groups will begin on October 2, running for ten consecutive weeks. Groups are free of charge and will meet in late afternoons and early evenings in Boston, Dedham, and/or Cambridge. Contact Lisa Tieszen at 617-667-8241 or ltieszen@caregroup.harvard.edu for more information.

Address Confidentiality Program Trainings

The Address Confidentiality Program will hold open trainings for advocates seeking to become certified as application assistants for the ACP. The trainings will be held on September 25, October 17, and November 8 at One Ashburton Place in Boston. Please call 1-866-SAFE-ADD to reserve a space or for more information.

October is Domestic Violence Awareness Month.



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